

1

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 937 OF 2017

Date of order: 01.11.2017

Present: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Wajid Naushad,
S/o. Abdul Gaffar Ansari,
Aged about 29 years,
Occupation - Private job,
Residing at - 3B/H/2,
Dr. M.N. Chatterjee Sarani,
Kolkata - 700 099.

.. Applicants

Vs.

1. Union of India,
Through its Secretary,
Ministry of Personnel, Public Grievances &
Pension, Department of Personnel & Training,
New Delhi - 110 001.
2. The Commissioner,
Staff Selection Commission,
Block No. 12, CGO Complex,
Lodhi Road,
Near JLN Stadium,
New Delhi - 110 091.
3. Staff Selection Commission,
Eastern Region,
Nizam Palace,
1st M.S.O. Building,
8th Floor, 234/4, AJC Bose Road,
Kolkata - 700 020.
4. The Assistant Regional Director,
Indira Gandhi National Open University,
Regional Centre Ranchi,
457/A, Ashok Nagar, Ranchi,
Jharkhand, Pin - 843 022.

.. Respondents

For the Applicant : Ms. M. Saha, Counsel

For the Respondents : Mr. S. Paul, Counsel

the

ORDER

Dr. Nandita Chatterjee, Administrative Member:

Ld. Counsel for both sides are present and heard.

2. This application has been filed under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:-

- "(1) Quashing the order dated 25.10.2016.
- (2) Setting aside the communication dated 16.11.2016.
- (3) Issuance of appointment letter to the applicant."

3. The Ld. Counsel for the applicant submits that an advertisement had been issued by the Staff Selection Commission on 19.6.2016 for Combined Recruitment of Junior Hindi Translators, Junior Translators, Senior Hindi Translators, and Hindi Pradhvapak Examination, 2016. The applicant had applied for the post of Junior Hindi Translator as, according to him, he had fulfilled the educational qualification required for the said post. The educational qualifications as required for the said post has been laid down in Para 7 of the said advertisement (Annexure A-2) which reads as follows:-

"Master's degree of a recognized University in English with Hindi as a compulsory or elective subject or as the medium of examination at the degree level."

4. According to the applicant, he had qualified in Master of Arts in 2012 from the Vinoba Bhave University of Jharkhand on 9.1.2016 (Annexure A-1). It is admitted by the applicant that the said University did not mention in the degree certificate that Hindi has been a compulsory or elective subject while pursuing the same. Regarding the qualification on the medium of examination at the degree level, the applicant has submitted a certificate from Indira Gandhi National Open University Regional Centre Ranchi dated 1.11.2016 (Annexure A-7) wherein it had been noted that the applicant

hch

successfully completed the ^{BDP}~~DPP~~ Programme with Major in English with the *help* of medium of instruction in Hindi. The applicant has challenged the order of the respondents dated 25.10.2016 as well as the detailed communication of the respondents dated 16.11.2016 wherein his candidature has been rejected.

5. The case of the respondents is that all testimonials on educational qualifications were to be submitted on the date on which it was called for. In case of the applicant, he had been asked to appear with his documents on educational qualifications on 25.10.2016 wherein he had failed to show (despite the contents of the Staff Selection Commission advertisement at Annexure "A-2") that his medium of instruction was Hindi as on 1.1.2016. Consequently his candidature was rejected.

6. The applicant has admitted that his certification on the medium of Hindi on BDP Programme was issued only on 1.11.2016 which is beyond the stipulated date of 25.10.2016, the day when he was asked to submit all his documents on educational qualification.

7. Hence, as the applicant failed to meet the conditions as laid down in the Staff Selection Commission's advertisement dated 19.6.2016, in our view this O.A. is liable to be dismissed on merit.

8. The O.A. is accordingly, dismissed on merit. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Manjula Das)
Judicial Member